

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

TODAY

Questions and Comments

SEARCH/BACK to search results

Bookmark Reprints

Wednesday, December 31, 2014

## Attorneys help secure special immigrant visa for Afghani translator

By Melanie Brisbon

In late 2011, members of the U.S. Army made their way through war-torn Afghanistan with bullets flying and danger at every turn. The soldiers left their families and risked their lives but they were not alone. Then 20 years old, Shah Mohammadi, an Afghani native serving as a translator and cultural adviser, traveled with them, making similar sacrifices.



Alexander Drecun / Special to the Daily Journal  
Michael J. Stephan, center, an associate at Irell & Manella LLP, helped an Afghani translator immigrate to the U.S. Law student Caroline Reiser, left, and Michael G. Ermer, a partner at the firm, helped.

Muhammadi, who at the time was working for U.S. special forces, faced threats from the Taliban because of his affiliation with the U.S. military. His uncle and cousin had been killed a few years earlier and he was afraid he would meet the same fate. He wanted to leave his country and come to the U.S. but before he could do that, he needed permission from the U.S. government.

He was introduced to the Iraqi Refugee Assistance Project or IRAP, which pairs law students with practicing attorneys who provide pro bono legal representation for refugees hoping to resettle in the U.S. Last year, Michael J. Stephan, an associate at Irell & Manella LLP, began working on his case with help from **David Bethea and Caroline Reiser, law students at UC Irvine.**

"I like these cases because they offer a challenge and there's a lot more at stake than you might find in some civil cases," said Stephan, a business litigator by trade.

Stephan served as Muhammadi's attorney of record in his application for a Special Immigrant Visa under the Afghan Allies Protection Act of 2009, while the students did much of the legal research. All told, the litigator estimates he spent more than 200 hours on the project.

In the process, he faced a number of challenges. For starters, communicating with his client - who continued to work during the application process - was difficult.

"Sometimes Internet and phone service would not be available to him," Stephan said, "and then when it was, it would be difficult to communicate with him because the service was spotty."

Because these cases are so focused on biographical information, like whether the applicant has ever abused drugs, plans to practice polygamy in the U.S. and whether he has taken the required medical exams, counsel need to be in constant contact with the client, he said.

Stephan had to learn to be very efficient with the time he had with Muhammadi.

Then, when he was preparing to submit Muhammadi's petition and documents to U.S. Citizenship and Immigration Services, Stephan noticed the passport was written in two languages not widely used in the U.S.

"It wasn't in Arabic, it had Dari and Pashto," Stephan said. "We had some difficulty finding someone who could translate."

When Muhammadi was finally granted a visa interview, Stephan worried about preparing him properly. He had never represented a client in a visa interview.

"You can read about the interview online, but sometimes those sources are not accurate and sometimes the interview process is different for every candidate," Stephan said.

Ultimately, the efforts were successful as Muhammadi's visa was approved in March - some 15 months after he started working with Stephan and the law students.

"The process takes time and of course with all the time that's passing by, this person remains in Afghanistan in harm's way, being targeted by insurgents," said Michael G. Ermer, a partner at Irell & Manella and chairman of the firm's pro bono committee. "There's a lot of other people like him that are trying to get into this country to get special visas because they are in danger because of helping the U.S."

More than 13,000 Afghans who have worked for the United States in Afghanistan have benefited from the visa program, according to the U.S. Department of State Bureau of Consular Affairs.

In August, Muhammadi completed the last step in his long journey - arriving in the U.S. He currently lives and works in Massachusetts. He got married before he left Afghanistan, and Stephan is considering helping him get his wife to the U.S.

"I think Shah is one of the unsung heroes," Stephan said. "Many people in the U.S. don't know that people like Shah exist, much less that they are threatened."

[melanie\\_brisbon@dailyjournal.com](mailto:melanie_brisbon@dailyjournal.com)